IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

WP(C).No. 29075 of 2007(J)

PETITIONERS:

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1. ASYA, AGED 39 YEARS,
   D/O. MELEPEEDIAN KUNJIMOIDEEN, RESIDING AT
   KAMBIVELIMMAL HOUSE,ADIVARAM P.O.,THAMARASSERY VIA
   KOZHIKODE DISTRICT.

2. MARIYAM, AGED 65 YEARS,
   W/O. PAKKAR, PARACHALIL HOUSE, ADIVARAM P.O.,
   THAMARASSERY VIA., KOZHIKODE DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SMT.A.KUMARI MINI

RESPONDENTS:

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1. STATE OF KERALA,
   REP. BY ITS SECRETARY TO GOVERNMENT,
   DEPARTMENT OF REVENUE, GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, KOZHIKODE.

3. THE TAHSILDAR, KOZHIKODE TALUK.

4. THE VILLAGE OFFICER,
   PUDUPPADY VILLAGE, THAMARASSERY VIA.,
   KOZHIKODE DISTRICT.

BY GOVT. PLEADER MR. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 29075 OF 2007 J
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Dated this the 1st October, 2007

J U D G M E N T

The grievance of the petitioners is the imminent eviction ordered as per Exts. P3 and P6. It is submitted that although they are in possession of the properties mentioned in these two orders, without giving an opportunity to them to explain the matter, attempt is made to evict them from their lands.

2. I heard the learned Govt. Pleader also in the matter.

3. It is obvious that it was without even giving a breathing time, that by Exts. P3 and P6 petitioners were asked to vacate from the land in their possession. This could not have been done without issuing a show cause notice and allowing them to make their representations in the matter.

3. Therefore for violation of the principles of natural justice, I direct that Exts. P3 and P6 will be treated as show cause notices to which, within two weeks from today, the petitioners shall file their

reply. On receipt of the reply as above, the 3rd respondent shall give an opportunity of hearing the petitioners and take a decision on Exts. P3 and P6 in the light of the objections to be filed by the petitioners. Thereafter orders shall be passed and communicated to the petitioners. Until orders are passed as above, further proceedings pursuant to Exts. P3 and P6 shall be kept in abeyance.

The writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-